

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CR. NO.2:18-MJ-254-SRW
)	(WO)
WILMER OMAR ESTEBAN-LOPEZ)	

ORDER

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing was held on November 27, 2018. For the following facts and reasons, the court concludes that the defendant should be detained pending trial in this case.

At the hearing the defendant waived his right to a preliminary hearing; thus, there is probable cause to believe that the defendant is an alien present in the United States in violation of 8 U.S.C. § 1326(a). I find that the credible testimony and information including the Pretrial Services Report submitted at the hearing establishes by a preponderance of the evidence that the defendant previously was deported in 2011. He has been working in this country at least for the past 4 years. While the evidence shows that he is an excellent employee, his employer stated that he could return to work only if the defendant had “the legal authorization to maintain his employment status.” No evidence was presented to show that the defendant could obtain authorization to work. Other than his residence, the defendant has no ties to the community. The court has specifically considered whether electronic monitoring was an appropriate condition of release but concludes it would not assure the appearance of the defendant. Electronic monitoring does not prevent flight; it only alerts authorities that flight has occurred.

Based on the foregoing, the court concludes that there are no conditions or combination of conditions which will reasonably assure the appearance of the defendant or protect the

community and that the defendant should be detained. In reaching this conclusion, the court has carefully considered as required by 18 U.S.C. § 3142(g) the nature and circumstances of the offense charged, the weight of the evidence against the defendant, the history and characteristics of the defendant as set forth in the Pretrial Services Report as well as the evidence adduced at the hearing.

Therefore, it is ORDERED that the motion to detain be and is hereby GRANTED and that the defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

Done this 27th day of November, 2018.



CHARLES S. COOBY
UNITED STATES MAGISTRATE JUDGE